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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,903	10/19/2001	Manoel Tenorio	020431.0954	8331

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EXAMINER
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BADII, BEHRANG

ART UNIT	PAPER NUMBER
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3694

MAIL DATE	DELIVERY MODE
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10/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 10/032,903	<b>Applicant(s)</b> TENORIO, MANOEL	
	<b>Examiner</b> Behrang Badii	<b>Art Unit</b> 3694	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Arguments***

Applicant's arguments filed 2/26/07 have been fully considered but they are not persuasive.

Cain clearly discloses the product classes having one or more associated product pointers that identify one or more of the sellers' databases as disclosed in the argument section and the body of the rejection below.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

An official notice has not been used in this rejection.

Cain is the primary reference in this application. This argument is vague and unclear. One of Cain's points is to present the consumer with an aggregated resource of identical products available on the Internet (field of invention, page 1). Throughout Cain's reference, Cain points to databases that could belong to the seller or buyer. In fact Cain describes databases and the make up of databases and how different user's (sellers or buyers) can have databases (page 57). Furthermore, an argument that says a database is not a seller's database does not hold muster since this is well known in

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the art. In fact, Cain itself points out Ebay throughout for making his points clearer and it is well known in the art that Ebay and other similar organizations provide sellers a way to make their own databases which includes different products that the seller is providing to buyers.

Cain clearly discloses one or more databases to store data (fig. 5, page 22 and 42). Cain discloses throughout its publication a master global content directory that is a main directory that branches out into more specific categories. This is one of the main ideas disclosed in Cain and hence the classification system in Cain is such to allow the categories of the different product classes (page 5 and 6, fig.2). Wong discloses a many different classification systems. Wong is a secondary reference and any of Wong's disclosed classifications is interpreted as a secondary classifying scheme. The applicant states this fact in his argument on page 7. Here, Wong is used to bring in another classification scheme other than the classification methods used in Cain. Further, Cain discloses a hierarchical directory, and at every level of directory, the higher directory branches into leaves, and these leaves (i.e. one leaf) can branch into more leaves and so on. Hence at the second level, the main leaf is considered a second content directory.

Cain et al. discloses separate mechanisms for classifying different items at different levels of the hierarchy in the taxonomy classification system as discussed below.

Further it would be inherent from the prior art that the higher-level group (master in relation to the lower level group) can be classified based on a different classification

system (classification category) than from secondary group or items in the taxonomy structure.

2112 [R-2] Requirements of Rejection Based on Inherency; Burden of Proof

The express, implicit, and inherent disclosures of a prior art reference may be relied upon in the rejection of claims under 35 U.S.C. 102 or 103. "The inherent teaching of a prior art reference, a question of fact, arises both in the context of anticipation and obviousness." *In re Napier*, 55 F.3d 610, 613, 34 USPQ2d 1782, 1784 (Fed. Cir. 1995) (affirmed a 35 U.S.C. 103 rejection based in part on inherent disclosure in one of the references). See also *In re Grasselli*, 713 F.2d 731, 739, 218 USPQ 769, 775 (Fed. Cir. 1983).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine the references is taken from the secondary abstract, Wong, which makes the references related and further both references are dealing with conducting electronic commerce over the Internet.

### DETAILED ACTION

Claims 1-22 have been examined.

P = page, e.g. p1 = page 1.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cain et al., WO 2001/55886 A2, and further in view of Wong et al., USP 5,890,175.

As per claims 1, 8, 15 & 22, Cain et al. discloses an electronic commerce system/method/software for generating, updating, and managing multi-taxonomy environments, the system comprising (product classification):

one or more seller's databases operable to store product data for one or more products (p1, 7-12; p5, 28-32, 56; p.6, 1-15, p.8, 1-18; fig.5; The system stores product data for different products one or more databases/ leaf nodes of the system);

a master global content directory (database) including a plurality of product classes organized in a hierarchy according to a first schema (classification module) ( p60, 9-24; p24, 6-12; fig4A; p35, 22-32; p36, 1-8; p40, 20-32; p43, 15-23; p44, 11-19), each product class categorizing a plurality of products and associated with one or more attributes of the products categorized in the product class, at least one of the product classes having one or more associated product pointers that identify one or more of the

seller's databases (p.5, 28-32, 56; p.6, 1-15; The system comprises of classifying products in a hierarchical organization consisting of master node of tree leaves);

one or more secondary content directories including one or more product classes organized in a hierarchy according to a second schema that is distinct from the first schema (classification module) ( p60, 9-24; p24, 6-12; fig4A; p35, 22-32; p36, 1-8; p40, 20-32; p43, 15-23; p44, 11-19) of the master global content directory, each product class being mapped to one or more product classes in the master global content directory and having one or more associated class pointers that identify the one or more product classes in the master global content directory to which the product class is mapped (p.5, 5-32; p.6, 1-32; (The system comprises of products being classified in a hierarchy that allows for the products to be placed due to their descriptions); and

a search interface (fig's 5-7) operable to:

receive a selection of a product class of a secondary content directory from a user, the selected product class having at least one class pointer identifying at least one product class in the master global content directory (p.9, 1-24; fig.4b; p.66, 3-9; The system consists of secondary nodes which are classified in a hierarchy consisting of a primary node followed by secondary nodes which include products according to their descriptions.); and

communicate in response to selection of the product class by the user, a search query to one or more of the seller's databases to search product data stored in the seller's databases identified by one or more of the product pointers to facilitate a commercial transaction involving one or more products (p.9, 1-24, 56; p.27, 1-32;

Merchants, buyers and sellers can search the hierarchy of products for their particular transaction). Cain et al. does not disclose different classification systems. Wong et al. discloses different classification systems (abstract). It would have been obvious to modify Cain et al. to include different classification systems such as that taught by Wong et al. in order to have a computerized method for dynamically generating and displaying a catalog including a plurality of items, each item being classified by at least group information and product information (abstract).

As per claims 2, 10 & 17, Cain et al. further discloses wherein the secondary content directories are personal to one or more users and are organized in a hierarchy satisfying one or more requirements for the users (p.9, 1-24; p.21, 1-32; fig.4b, 2 & 3a).

As per claims 3, 11 & 18, Cain et al. further discloses wherein a class pointer identifying a product class in the master global content directory also inherently identifies all product classes under the product classes in the hierarchy of the master global content directory (p.5, 28-32; p.6, 1-32; fig.5-7).

As per claims 4, 9, & 16, Cain et al. further discloses wherein the search interface is further operable to (fig's 5-7):

receive the selection of a product class of a secondary content directory from a user of the secondary content directory (p.5, 1-32; p.6, 1-32; p.8, 7-20);

receive one or more search parameters for a product from the user (p.9, 1-32);

determine the product classes in the master global content directory identified by the class pointers in the selected product class (p.5, 28-32, p.6, 1-32);



determine the databases identified by product pointers in the determined product classes of the master global content directory (fig.5-7; p.8, 1-20), and

communicate a search query having the search parameters to the determined databases (p.9, 1-32; p.66, 3-10; fig's 5-7).

As per claims 5, 12 & 19, Cain et al. further discloses wherein access to the master global content directory is determined by which product classes in the master global content directory are identified by class pointers associated with the product classes in a secondary content directory (p.9, 1-32; p.18, 7-20; fig's 5-7; p.66, 3-10).

As per claims 6, 13 & 20, Cain et al. further discloses wherein one or more of the product pointers identify particular product data in one or more of the databases (p.9, 1-32; p.18, 7-20; fig's 5-7; p.66, 3-10).

As per claims 7, 14 & 21, Cain et al. further discloses wherein the search query comprises desired values, specified by the user of one of the secondary content directories, for one or more of the product attributes associated with a selected product class (p.9, 1-32; p.66, 3-10; fig.7).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:**

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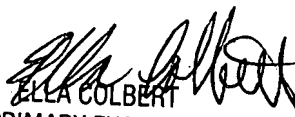
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Any inquiry of a general nature or relating to the status of this application  
or proceeding should be directed to the Technology Center 3600 Customer Service  
Office whose telephone number is **(571) 272-3600**.

Behrang Badii  
Patent Examiner  
Art Unit 3694

BB

  
ELLA COLBERT  
PRIMARY EXAMINER